University of Illinois Urbana Champaign
Implementation Guidelines for the
University of Illinois System Background Check Policy

The "University of Illinois Background Check Policy" ("the Policy") was approved by the Board of Trustees in September 2015. The campus has established these implementation guidelines to promote a safe and secure environment for the campus community.

Objectives

- Create a campus background check implementation program that strikes an appropriate balance among our important institutional interests and principles, including ensuring a safe campus community and a fair and non-discriminatory hiring process.

- Embody a process that confirms the campus commitment that a conviction history is NOT an automatic bar to employment and requires an individualized assessment.

    - The individualized assessment of the job responsibilities and conviction history will take into account such factors as the nature and seriousness of the underlying offense/conduct, the relatedness of the offense/conduct to the position being sought, the length of time that has elapsed since the conviction, end of the sentence, offense/conduct, and demonstrated rehabilitative efforts.

- Establish processes to gather and analyze criminal background check information using methods that are fair and consistent.

Effective Date

The University Background Check Policy is effective as of October 5, 2015. All hiring activity initiated on or after October 5, 2015, is subject to the background check policy.

Applicability

The University Background Check policy applies to both new University employees and certain current University employees as outlined below.

New University Employee

For the following employment categories, a criminal background check must be conducted after the selected candidate accepts a written contingent offer but prior to beginning employment:

- Faculty
- Specialized Faculty, including Postdoctoral Research Associates
- Other academic titles (when paid) such as: Visiting Scholars, Medical and Veterinary Medical Residents
- Academic Professionals
- Civil Service
- Extra Help
- Academic Hourly

Former employees, including those who retired, are considered a new University employee the first time they accept employment after their separation.

A background check will also be conducted with respect to all individuals (including University personnel, graduate and undergraduate employees, fellow, volunteers, and contractors) who are subject to the University of Illinois Protection of Minors Policy or who may be assigned to a security sensitive position.

In very limited circumstances, units may request approval to make a conditional hire, allowing a new University employee to begin work prior to completion of the background check. Such requests must be submitted to and approved by Illinois Human Resources prior to the conditional hire.

For all tenure system appointments, the background check process must be completed prior to submission to the Board of Trustees for approval.

Additionally, persons being hired are subject to the Policy on Consideration of Sexual Misconduct in Prior Employment.

Current University Employee

A criminal background check will be required for a current employee in the following circumstances:

1. Security Sensitive Positions:

A criminal background check must be conducted before a current employee transitions to a security sensitive position. In accordance with the Illinois Campus Security Act (PA-88629), security sensitive positions are determined by Illinois Human Resources and the Office of Student Financial Aid - Student Employment.

Security sensitive positions include those that require employees to be entrusted with: the care or daily close contact with children (included under the Protection of Minors Policy), cash handling, firearms, controlled substances or direct patient care. This list is not exhaustive, and a unit should seek guidance/approval from Illinois Human Resources or the Office of Student Financial Aid - Student Employment, depending on the category of employment.

2. Transition to Faculty, Academic Professional, Medical Resident or Civil Service Position from a Student, Temporary/Hourly or Unpaid Position:

A standard criminal background check must be conducted before a current employee transitions from an undergraduate or graduate, temporary hourly (Extra Help or Academic Hourly) or unpaid affiliate position to a Faculty, Academic Professional, Medical Resident, or Civil Service position.

Criminal Background Checks

A standard background check will be conducted for all candidates, including international candidates, by a third-party vendor in accordance with the Fair Credit Reporting Act (FCRA) and any other applicable laws.

Standard Criminal Background Check Components

- National, state, and county criminal conviction records
- National and State Sex Offender Registries (SOR)
- Social Security Number verification

Notification to Candidates

Candidates will be notified of the background check requirement through a number of venues such as general information on campus websites and specifically through:

1. Notice in Job Posting

   The following statement must be included in each job notice (print and online): "The University of Illinois conducts criminal background checks on all job candidates upon acceptance of a contingent offer."

2. Offer Letter

   Offer letters must contain language indicating the offer is contingent upon successful completion of the background check process.

3. Consent and Disclosure Requirement

   Candidates will need to provide consent in order to authorize the vendor to conduct the background check. Consent and authorization will be provided through a secure online process that includes disclosure notification and express authorization for the components of the background check.

Cost

The cost of the background check will be covered by the hiring unit. Illinois Human Resources will notify units of costs and manage the payment processes.

Hiring Risk Assessment Review Committee

Criminal background checks, other than those for undergraduate student employees, that return a conviction history report will be reviewed by Illinois Human Resources for administrative review. When the conviction history report contains only traffic related records, Illinois Human Resources staff will review and can recommend clearance if there is no nexus to the position for which the candidate is being considered. All other cases will be reviewed by the university Hiring Risk Assessment Review Committee (HRARC). The HRARC will be comprised of representatives from Illinois Human Resources and University law enforcement. Additionally, when faculty and specialized faculty candidate conviction history reports are being reviewed, two faculty members will participate in the HRARC review.

After consultation with the Academic Senate and the Council of Deans, the Provost or their designee will appoint faculty members to serve on the HRARC.

For any given review of a faculty or specialized faculty candidate, two of the Provost appointed faculty members will be chosen to participate in the review. University Legal Counsel serves the HRARC in an advisory capacity.

Illinois Human Resources has the responsibility to convene the Hiring Risk Assessment Review Committee (HRARC) and is responsible for ensuring all members are provided the appropriate training relevant to confidentiality of information, relevant job nexus information, and the University's commitment to diversity and equal opportunity, recognizing that a criminal conviction history is not an automatic bar to employment. Illinois Human Resources is responsible for the confidential maintenance of all HRARC information and records.

The Office of Student Financial Aid manages the review of any criminal conviction background checks for undergraduate student employees. The Office of Student Financial Aid convenes the Background Check Review Committee for Students (BCRCS) when a conviction review is needed for an undergraduate student employee being considered for a security sensitive position. The BCRCS consists of representatives from Student Affairs, Academic Affairs, and University law enforcement.

Conviction History Review

The candidate's name will be redacted from the criminal conviction reports and candidate supplied supplemental information provided by the candidate. The HRARC makes an individualized assessment of the conviction history and the job responsibilities in order to determine if the criminal conviction poses a level of risk that might preclude clearing the candidate for employment in the position, considering, but not limited to:

i. The nature and seriousness of the underlying offense/conduct
ii. the relatedness of the offense/conduct to the position being sought
iii. the length of time that has elapsed since the conviction, end of sentence, and the offense/conduct, and
iv. demonstrated rehabilitative efforts.

HRARC advises on assessment of the nexus between the criminal conviction and the position for which the candidate is being considered.

Note: Consistent with Illinois law, the fact of an arrest will not result in a disqualification of a candidate. However, consideration will be given to the candidate's conduct, apart from the fact of an arrest, underlying an arrest or any pending prosecution.

Decision Making Authority

HRARC recommendations for faculty and specialized faculty candidates are provided to the Provost. The Provost, or their designee, will make the decision on whether the candidate has cleared the criminal background check, consulting with the relevant Dean regarding the impact of conviction history on the hiring decision as necessary.

HRARC recommendations for all other employment categories except undergraduate student employees are provided to the Senior Associate Chancellor for Human Resources or their designee for final decision of employment eligibility. The Senior Associate Chancellor for Human Resources or their designee will make the decision on whether the candidate has cleared the criminal background check, consulting with other university officials as necessary.

Final decisions regarding employment eligibility for Undergraduate Student Employees are the made by the Director of the Office of Student Financial Aid and the Senior Assistant Director for Student Employment.

Record Retention

Illinois Human Resources is responsible for all records related to criminal background checks. All conviction history information is retained centrally with Illinois Human Resources, in a secure manner, and separate from personnel files. Only Illinois Human Resources staff who have criminal background check process responsibilities will have access to the records. Records are kept in accordance with the Illinois Record Retention Act and other applicable laws.

Process for Conducting a Criminal Background Check

1. Upon selection of the preferred candidate, the hiring unit extends a written offer to candidate, clearly stating the offer is contingent upon the candidate successfully completing the background check process. All other contingencies, such as University of Illinois Board of Trustees approval must also be reflected in the offer letter.

2. Candidate accepts the contingent offer.

3. Hiring unit submits a criminal background check request to Illinois Human Resources via the HireTouch System.

4. Illinois Human Resources submits the criminal background check order to the third party vendor for all new University employees and current employees who are subject to the background check requirement as noted in the Applicability Section. If a background check is not required, Illinois HR notifies the unit the background check process is complete and hiring can continue.

5. The background check vendor emails candidate a link to a secure, online authorization portal.
    a. Email will be sent from HireRight Customer Support.
    b. Vendor provides candidates with all disclosures and authorization forms in accordance with federal and state laws.

6. Candidate provides consent and authorization for HireRight to conduct the criminal record search by using the vendor's secure online portal, and provides information required for HireRight to conduct the search. Candidates are asked to self-disclose any criminal convictions to the third-party vendor.

7. The vendor conducts the criminal background check after receiving candidate consent and authorization.

8. The vendor notifies Illinois HR of results.

9. Illinois HR reviews the criminal background check results.

10. When the criminal background check report returns no conviction history, Illinois Human Resources contacts the unit, authorizing continuation of the hiring process. Illinois Human Resources also notifies the candidate of the successful completion of the criminal background check process.

11. When the criminal background check report returns a criminal conviction history:

    a. Illinois HR reviews the report to determine if the report is limited to traffic related offenses. If all results are traffic related (e.g., speeding, improper lane usage, etc.), Illinois HR will present an administrative review recommendation to the Sr. Associate Chancellor for Human Resources or their designee regarding the clearance of the check. Illinois HR will take in consideration whether the traffic offenses have a nexus to the position for which the candidate has been selected for hire and consult with other university units as needed (e.g. University of Illinois Police Department, Office of University Counsel).

    b. Illinois HR provides, via email, a copy of the vendor supplied conviction report, the FCRA-required Summary of Rights document, any other state specific required documents and a Pre-Adverse Action letter outlining the next steps in the process. Candidates are given the opportunity to speak directly with an Illinois HR staff member serving as the Case Coordinator to seek clarification or provide additional information. The candidate is informed of the process to correct any inaccuracies in the report and the processes by which the candidate can provide any additional information they wish concerning information contained in the report. Candidates have ten (10) days from the date of the email from Illinois Human Resources to respond.

    c. If the candidate communicates to the Illinois HR Case Coordinator that the report incorrectly indicates criminal convictions and the candidate has contacted the vendor to correct the report, a corrected report provided by the vendor is given to the Hiring Risk Assessment Review Committee (HRARC) and is considered as part of the background check process.

    d. If the candidate demonstrates that there is, in fact, no criminal conviction history to be reviewed (e.g. a court issued document regarding expungement of records), Illinois Human Resources, after consultation with University Legal counsel, can authorize continuation of the hiring process through the administrative review process, rather than an HRARC review.

    e. If the candidate does not demonstrate that the report is incorrect but submits additional information, the information provided by the candidate and the vendor report is provided to the HRARC.

    f. After receiving any supplemental information the candidate wishes to have considered, Illinois Human Resources convenes the HRARC to review the conviction report and all candidate supplied information.

    g. The HRARC makes an individualized assessment of the conviction history and the job responsibilities in order to determine if the criminal conviction poses a level of risk that might preclude clearing the candidate for employment in the position as noted in the Conviction History Review section.

h. The HRARC makes a recommendation regarding each candidate's eligibility for employment for the specific position under review.

    i. HRARC recommendations for faculty and specialized faculty candidates are provided to the Provost. The Provost or their designee will make the decision on whether the candidate has cleared the background check.

    ii. HRARC recommendations for all other employment categories are provided to the Senior Associate Chancellor for Human Resources or their designee for final decision of employment eligibility. The Senior Associate Chancellor for Human Resources or their designee will consult with appropriate university officials as needed.

i. Illinois Human Resources informs the hiring unit of the final determination regarding the candidate's criminal background check.

    i. If the determination is the candidate is eligible to be hired for the position, Illinois Human Resources contacts the unit, authorizing continuation of the hiring process. This notification does not reveal any indication of a criminal conviction history. Criminal background check reports and documentation will not be stored in an employee's personnel file. Illinois HR also notifies the candidate of the successful completion of the criminal background check process.

    ii. If the determination is the candidate is ineligible to be hired for the position, Illinois Human Resources contacts the hiring unit, indicating the contingent offer is no longer valid, authorizing resumption of the search process. Illinois Human Resources does not share the conviction history report with the unit. The unit is reminded that notification to the candidate must be provided by Illinois Human Resources. Illinois Human Resources contacts the candidate, officially informing them the contingent offer is no longer valid, based on the candidate's inability to fulfill the contingency of successfully completing the background check process, and provides the candidate with an Adverse Action notice as required under Section 615(a) of the FCRA.

j. Illinois Human resources retains all conviction history information in a confidential and secure manner, separate from personnel files. Records are kept in accordance with the Illinois Record Retention Act and other applicable laws.

Definitions

Candidate	Individual selected to be hired for an open position
New University Employee	An individual who is accepting an initial appointment with the University or a new appointment with the University following an earlier, complete separation from the University. An individual who has remained in active status in the University's HRIS system despite not having a current appointment will not be deemed a new employee for the purposes of the University of Illinois Background Check Policy when accepting a new appointment, unless more than eighteen (18) months has elapsed since the individual's last appointment with the University on any campus.
Current University Employee	A current University employee refers to anyone who currently holds an appointment with the University. For the limited purposes of this Policy, a current University employee also includes anyone who is in active status in the University's HRIS system who has held an appointment with the University on any campus within the last eighteen (18) months.
Hiring Risk Assessment Review Committee (HRARC)	The HRARC will be comprised of representatives from Illinois Human Resources and University law enforcement. Additionally, when faculty and specialized faculty candidates are being reviewed, two faculty members will participate in the HRARC review. University Legal Counsel serves the HRARC in an advisory capacity. The Provost or their designee will appoint faculty members to serve on the HRARC. For any given review of a faculty or specialized faculty candidate, two faculty members appointed by the Provost will be chosen to participate in the review.
Third Party Consumer Reporting Agency	Consumer reporting agencies (CRAs) are entities that collect and disseminate information about consumers to be used for credit evaluation and certain other purposes, including employment. General Information Services (GIS) is a consumer reporting agency. The University uses General Information Services (GIS) for employment related background checks only.
Fair Credit Reporting Act	The **Fair Credit Reporting Act** (**FCRA**) is a United States federal law (codified at Title 15 United States Code Section 1681 and following) that regulates the collection, dissemination, and use of consumer information, including consumer credit information.

Request Processor/Customer Support	Reviews requests and verifies the request meets the policy guidelines for a criminal background check. Submits required requests to the external vendor. Serves as a resource to candidates and units regarding status of request. Prepares and manages communication to candidates with conviction history.
Case Coordinator	Works with candidates who have a conviction history report. Assist candidates in understanding what supplemental information can be submitted, speaks with candidates to secure additional context information, etc. Reviews candidate submitted materials and presents case/information to the HRARC. Reviews job descriptions, works with unit as needed to fully understand job duties in order to provide information to the HRARC for assessment of nexus.
HRARC Coordinator	Convenes committee meetings, prepares agendas and facilitates the meetings. Ensures all committee members have relevant materials. Ensures faculty representatives are invited as needed for faculty review cases. Tracks and monitors cases reviewed by the HRARC.
HRARC Reviewer	A member of the Hiring Risk Assessment Review committee who reviews and assesses conviction reports and all supplemental information provided by candidates in order to determine a recommendation to be provided to either the Provost or Senior Associate Chancellor for HR (or their designee) regarding any potential bars to employment for the candidate.

Contact Information

Status of a background check request

IllinoisHRBackgroundCheck@illinois.edu or 217.333.2137

Faculty/Staff Background Check Process Questions

Eva Griggs, (moore1@illinois.edu) 217.333.2137

Becky Janowski, (rjanowsk@illinois.edu 217.333.2137

Undergraduate Student Background Check Questions

Office of Student Financial Aid: Kimberly Hamilton, khamiltn@illinois.edu, 217.333.7603

Questions regarding background check charges

Cheryl Heck, chaheck@illinois.edu, 217.333.3101